

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Geling Moceri v Leo David Kondziolka**

Docket No. **261264**

L.C. No. **03-003538-NI**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The Court orders that the claim of appeal is DENIED because the order of February 14, 2005, is not an order denying governmental immunity as required by MCR 7.202(6)(a)(v). A review of the motion for summary disposition shows that defendant asserted governmental immunity under MCR 2.116(C)(7) and asserted that plaintiff did not suffer a serious impairment of body function under MCR 2.116(C)(10). As to the disposition of the motion for summary disposition under MCR 2.116(C)(7), the order reads as follows: "It is further ordered that as to defendants motion for summary disposition per MCR 2.116(C)(7), plaintiff shall be allowed to amend her complaint to add the city of Warren." Lacking from the body of the order regarding MCR 2.116(C)(7) is the word, "denied." The order did not dispose of the motion for summary disposition under MCR 2.116(C)(7) except to permit addition of another governmental party.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR - 1 2005

Date

Sandra Schultz Mengel
Chief Clerk